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A Limited Liability Partnership
2 Including Professional Corporations
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6 Attorneys for Defendant
ADECCO INC.
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 SHAVOTNAE GOLDSBY, AND ALL
OTHERS SIMILARLY SITUATED,

12 Plaintiff,
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14 v.

15 ADECCO, INC., and DOES 1 through
100, inclusive,,
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Defendants.
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Case No. CV 07 5604 MMC

**DECLARATION OF ROSS A
BOUGHTON IN SUPPORT OF
DEFENDANT ADECCO INC.'S
OPPOSITION TO PLAINTIFF'S
MOTION TO MODIFY PRETRIAL
PREPARATION ORDER**

[Complaint Filed: July 26, 2007]

Date: Aug. 1, 2008
Time: 10:30 a.m.
Court: 7
Judge: Hon. Maxine M. Chesney

DECLARATION OF ROSS A. BOUGHTON

I, Ross A. Boughton, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am an associate with SHEPPARD, MULLIN, RICHTER & HAMPTON LLP, attorneys of record for Adecco Inc..

2. If called as a witness, I could and would competently testify to all facts within my personal knowledge except where stated upon information and belief.

3. This declaration is submitted in support of Defendant Adecco Inc.'s Opposition to Plaintiff's Motion to Modify Pretrial Preparation Order.

4. On February 8, 2008, both parties agreed to a Joint Case Management Statement that proposed a July 7, 2008 deadline to file Plaintiff's Motion for Class Certification. Plaintiff's counsel filed the Joint Case Management Statement with the Court on that day.

5. During that same week, Plaintiff served Rule 30(b)(6) deposition notices on Defendant. Plaintiff unilaterally set the deposition dates and did not contact Defendant prior to sending the notices to check if the dates were actually available. As could be expected, there were scheduling conflicts with the noticed dates and the parties met and conferred to schedule the deposition on a mutually available date. Tammy Mazzullo from Plaintiff's counsel's office suggested April 29, 2008 as a date for the deposition, stating in a March 28, 2008 email to me: "The last week in April is fine. Let me know if April 29th will work for you." A true and correct copy of that March 28, 2008 email is attached as Exhibit 1.

1 6. On April 1, 2008, I replied to Ms. Mazzullo's email, stating "We are
2 available on April 30, 2008. Does that work for your office?" A true and correct copy of
3 my April 1, 2008 email is attached as Exhibit 2.

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5 7. That same day, Ms. Mazzullo replied to my email and confirmed the
6 April 30, 2008 date, stating: "This email will confirm that we will depose Adecco's person
7 most knowledgeable on April 30, 2008 at 10:00 a.m., in our offices on the three 30(b)(6)
8 deposition notices." A true and correct copy of Ms. Mazzullo's April 1, 2008 email is
9 attached as Exhibit 3.

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11 8. Shortly thereafter, a conflict arose and Defendant was forced to
12 reschedule Ms. Hans' deposition for June 4, 2008, a delay of 35 days. Defendant
13 acknowledges that it was Defendant's and not Plaintiff's conflict that caused the deposition
14 to be delayed those 35 days.

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16 9. Apart from the 35 day delay in Ms. Hans' deposition, Defendant has
17 not caused any other delays in discovery since the February 8, 2008 Joint Case
18 Management Statement

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20 10. Defendant timely responded to Plaintiff's first set of Special
21 Interrogatories on November 1, 2007. (*See* Exhibit B to Qualls Decl.). Defendant
22 responded to Special Interrogatory No. 1 by objecting that it invaded the privacy rights of
23 employees, and it would also be unduly burdensome to answer. (*See* Exhibit B to Qualls
24 Decl.).

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26 11. On March 27, 2007, I spoke to Plaintiff's counsel Daniel Qualls
27 regarding Defendant's response to Special Interrogatory No. 1, among other discovery
28 issues. In that conversation, I reiterated Defendant's objections to the interrogatory and

1 informed Mr. Qualls that responding to the interrogatory would require Defendant to scour
2 all of its time records to see which employees' records showed a meal period and which
3 did not.

4
5 12. On June 4, 2008, Kim Hans was deposed. Ms. Han testified that
6 Adecco only keeps physical time records of meal periods, not electronic records and to
7 actually determine which employees' records depicted a meal period and which did not,
8 one would have to look at each employee's physical time cards. (See Hans Depo. 17:3-
9 19:3) A true and correct copy of the relevant pages of Ms. Hans deposition are attached as
10 Exhibit 4.

11
12 13. On July 3, 2008, Plaintiff filed a Motion to Compel Further
13 Responses To Plaintiff's First Set of Special Interrogatories. A true and correct copy of
14 Plaintiff's motion is attached as Exhibit 5.

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16 I declare under penalty of perjury under the laws of the State of California
17 that the foregoing is true and correct.

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19 Executed July 11, 2008, at Los Angeles, California.

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22 /s/ Ross A. Boughton
23 Ross A. Boughton
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